



ICRC

independent competition and regulatory commission

Privacy Policy

March 2018

The Independent Competition and Regulatory Commission is a Territory Authority established under the *Independent Competition and Regulatory Commission Act 1997* (the ICRC Act). The Commission is constituted under the ICRC Act by one or more standing commissioners and any associated commissioners appointed for particular purposes. Commissioners are statutory appointments. Joe Dimasi is the current Senior Commissioner who constitutes the Commission and takes direct responsibility for delivery of the outcomes of the Commission.

The Commission has responsibilities for a broad range of regulatory and utility administrative matters. The Commission has responsibility under the ICRC Act for regulating and advising government about pricing and other matters for monopoly, near-monopoly and ministerially declared regulated industries, and providing advice on competitive neutrality complaints and government-regulated activities. The Commission also has responsibility for arbitrating infrastructure access disputes under the ICRC Act. In discharging its objectives and functions, the Commission aims to provide independent robust analysis and advice.

The Commission's objectives are set out in section 7 and 19L of the ICRC Act and section 3 of the *Utilities Act 2000*.

Correspondence or other inquiries may be directed to the Commission at the following addresses:

Independent Competition and Regulatory Commission
PO Box 161
Civic Square ACT 2608

Level 8
221 London Circuit
Canberra ACT 2601

The Commission may be contacted at the above addresses, by telephone on (02) 6205 0799, or by fax on (02) 6207 5887. The Commission's website is at www.icrc.act.gov.au and its email address is icrc@act.gov.au.

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1 Introduction

The Independent Competition and Regulatory Commission (Commission) Privacy Policy sets out how the Commission manages personal information when performing its functions.

The Commission must comply with the Territory Privacy Principles (TPPs) when handling your personal information. The TPPs are outlined in the *Information Privacy Act 2014* (IP Act). The Commission's Privacy Policy is a public statement about how the Commission will comply with these principles when handling your personal information.

Under the Act, 'personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (i) whether the information or opinion is true or not; and
- (ii) whether the information or opinion is recorded in a material form or not.

The definition of 'personal information' under this act does not include information about the personal health of an individual as health records held by ACT Government agencies (including public hospitals) are covered by the *Health Records (Privacy and Access) Act 1997*.

2 Collection

We generally only collect your personal information when you provide it to us in a variety of ways including correspondence from you as well as by email, over the telephone and by fax.

We collect information directly from you unless it is unreasonable or impracticable to do so or unless we are otherwise required or authorised under law to collect information from another source.

We may also collect personal information from publicly available sources where it is reasonably necessary for, or directly related to, our functions.

The Commission can in certain circumstances, under the *Independent Competition and Regulatory Commission Act 1997* (ICRC Act), require a person to provide information to the Commission.

3 Types of information we collect and hold

The Commission attempts to only collect the minimum information we need. The personal information we collect and hold will vary depending on what we require to perform our functions and responsibilities.

Personal information is collected by the Commission in a number of ways and includes:

- information provided by individuals voluntarily as part of a submission to the Commission or to assist the Commission conduct an investigation or as part of feedback to the Commission;
- information provided by firms and individuals when tendering for contracts to provide services to the Commission;
- information provided in respect of administrative functions of the Commission – for example, information provided to the Commission as part of a job application, pre-employment check or in the employment context; and
- information that is provided to the Commission in response to a requirement by the Commission, pursuant to its powers, particularly under the ICRC Act, for that information to be provided to assist the Commission carry out its functions.

Personal information collected may include:

- information about your identity (e.g. date of birth, country of birth, passport details, visa details and drivers licence);
- your name, address and contact details (e.g. phone, email and fax);
- information about your personal circumstances (e.g. age, gender, marital status and occupation); and
- information about your employment (e.g. applications for employment, work history, referee comments and remuneration).

4 Use and disclosure

Any personal information we collect will be used for the purpose for which it was collected (the primary purpose) and will not be disclosed to other people or organisations without your consent, except where required or authorised by law.

Personal information may be used for a purpose other than that for which it was collected (the secondary purpose) only if such use is authorised by or under law.

The Commission will not use your personal information for a secondary purpose or disclose your personal information to other government agencies, private sector organisations or anyone else without your consent, unless an exception under the IP Act applies.

Exceptions are available in a number of circumstances including when:

- you would reasonably expect us to use the information for the secondary purpose that is related (or directly related – in the case of sensitive information) to the original purpose for which the information was collected;
- the use or sharing of information is legally required or authorised by an Australian law, or Court or Tribunal order;
- the use is reasonably necessary for a law enforcement-related activity such as the prevention, detection, investigation prosecution or punishment of criminal offences or breaches of the law; intelligence gathering, surveillance, conduct of protective or custodial services;
- we reasonably believe that use is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety. For example, we may notify health services or the police if someone makes a threat of harm to themselves or others in their dealings with us; or
- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we reasonably believe that collection of the information is necessary in order for us to take appropriate action.

5 Sharing information with service providers

From time to time, the Commission contracts or otherwise deals with service providers such as private sector organisations or other ACT Government entities to support us carrying out specific activities and functions. For example, the provision of recruitment services.

In some circumstances, it may be necessary for the Commission to share personal information with these service providers to enable them to perform their functions efficiently and effectively.

In these situations, we protect personal information by only entering into arrangements with service providers who agree to comply with Territory requirements for the protection of personal information.

6 Disclosure of personal information overseas

We do not usually disclose personal information collected by us to overseas recipients.

If we need to share or store information with overseas recipients, we will take reasonable steps before disclosing the information to ensure that the recipient treats the personal information with the similar standard of care as is required by the IP Act.

If it is practical and reasonable to do so we will obtain your consent to overseas disclosure. However, there may be situations where we are unable to do so, for example, where we share information as part of a law enforcement activity.

7 Storage and security of information

This section is informed by the Australian Information Commissioner (OAIC)'s *Guide to Securing Personal Information: Reasonable Steps to Protect Personal Information*.

The Commission is required to take reasonable steps to ensure that personal information it holds is safe and secure.

We strive to protect your personal information from misuse, interference or loss and from unauthorised access, use, modification or disclosure in accordance with the IP Act.

Our IT systems employ comprehensive protections to guard against unauthorised access.

As a part of our general practice personal information is only available to staff who need to have access in order to perform their roles.

Staff are regularly reminded of their privacy obligations, including the need to keep physical and electronic records secure. ACT Government security arrangements require staff to regularly change their passwords, and use robust passwords. Software is regularly upgraded to the latest versions to

enhance security. Email attachments and websites are also automatically scanned for viruses.

In relation to online transactions, the Internet is an insecure medium and users should be aware that there are inherent risks transmitting information across the Internet. Information submitted unencrypted via email or web forms may be at risk of being intercepted, read or modified. If you do not wish to email, you can send a letter to the address in the Contact Us section below.

8 Accessing your personal information

In accordance with the IP Act (Territory Privacy Principle 12), you have the right to ask for access to personal information that the Commission holds about you.

If you contact us to request access to your personal information we must provide you with access to your information in an appropriate manner, if it is reasonable and practicable to do so.

If we refuse access, we must respond to your request in writing within 30 days telling you why we are unable to provide you with access to that information.

We will not charge you any fees for making the request or providing you with access.

In some circumstances, you may also have the right under the *Freedom of Information Act 2016* to request access to documents that we hold and ask for information that we hold about you to be changed or annotated if it is incomplete, incorrect, out-of-date or misleading.

9 Correcting your personal information

If you ask the Commission to correct your personal information held under the IP Act, we must take reasonable steps to correct the information if we are satisfied that it is incorrect, inaccurate, incomplete irrelevant, out-of-date or misleading.

If we agree to correct information, and that information has previously been shared with another agency, you may request that we notify the other agency of the possible need for them to correct that information.

There may be reasons why we refuse to correct that information, for example if we are required or authorised by law not to correct the information.

If we refuse to correct the information we must give you written notice of why we have refused to correct your information and how you may complain about our decision, within 30 days.

If we refuse to correct your personal information, you can ask us to attach or link a statement that you believe the information is incorrect and why to the information.

We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information.

10 How to make a complaint

Complaints about how the Commission has managed your personal information need to be made in writing to the contact details below. We are also able to assist you to lodge your complaint if required.

We will consider your complaint to work out how we can resolve your issue satisfactorily.

We will tell you promptly that we have received your complaint and then respond to the complaint within 30 days after the day the request is made.

If you are not satisfied with our response, in some circumstances, you can make a formal privacy complaint under section 34 of the IP Act. The OAIC is exercising some of the functions of the ACT Information Privacy Commissioner, including handling complaints of privacy complaints against ACT public sector agencies. For more information, including on making a complaint, you can contact the OAIC:

Telephone: 1300 363 992

Email: enquiries@oaic.gov.au

GPO Box 5218 Sydney NSW 2001

Level 3, 175 Pitt Street, Sydney 2000

<http://www.oaic.gov.au/about-us/contact-us-page>.

11 How to contact us

The Commission's office is located at: Level 8, 221 London Circuit, Canberra City ACT 2600.

Our contact details are:

Postal address: PO Box 161, Civic Square ACT 2608

Telephone number: (02) 6205 0799

Facsimile number: (02) 6207 5887

Email: icrc@act.gov.au